IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI CENTRAL DIVISION

JAMES IRVIN, Register No. 160386)	
	Plaintiff,)	
v.)	No. 04-4141-CV-C-NKL
DAVE DORMIRE, et al.,)	
	Defendants.)	

ORDER

On May 2, 2005, plaintiff filed a motion to vacate and or modify the judgment of the court entered on April 18, 2005. Federal Rule of Civil Procedure 60(b) provides that upon motion, the court may relieve a party from a final judgment. However, Rule 60(b) "provides for extraordinary relief which may be granted only upon an adequate showing of exceptional circumstances." *Reyher v. Champion*, 975 F.2d 483, 488 (8th Cir. 1992) (quoting *United States v. Young*, 806 F.2d 805, 806 (8th Cir. 1986)). In the instant case, no exceptional circumstances justifying relief have been shown. Plaintiff's motion to vacate or modify the judgment of this court is denied.

The Federal Rules of Civil and Appellate Procedure provide the rules for appealing a judgment entered by this court. Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$255.00 appellate filing fee, regardless of the outcome of the appeal. *Henderson v. Norris*, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS ORDERED that plaintiff's motion for relief from the judgment is denied [26].

<u>/s/</u>

NANETTE K. LAUGHREY United States District Judge

Dated: June 28, 2005 Jefferson City, Missouri